



STATE OF WASHINGTON
DEPARTMENT OF PERSONNEL

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May 15, 2009

TO: Interested Parties
FROM: Eva Santos, Director
RE: **MAY 14, 2009 DIRECTOR'S MEETING ACTION**

Mike Sellars, Deputy Director, Department of Personnel, has provided me with the recommendations for the proposals presented at the May 14, 2009, Director's Meeting. After thorough and careful consideration of each item presented, I have concluded action for the following:

CIVIL SERVICE RULES

Item one: The purpose of this proposal is to address what happens when a probationary employee accepts a nonpermanent appointment. This new rule states that the employer will decide if the employee will be granted return rights. Any return rights must be to a vacant position.

Staff proposed an effective date of June 16, 2009.

Item two: Item two is a proposal to amend WAC 357-31-215. The modification to 357-31-215 does not change the intent of the rule but clarifies that a statement of necessity can only defer leave that the employee has not accrued as of the date of the statement.

Staff proposed an effective date of June 16, 2009.

Item three: Item three is a proposal to amend WAC 357-31-525. The proposed modifications to WAC 357-31-525 are due to amendments to the Family and Medical Leave Act (FMLA). In June of 2008, language was added to address "Military Caregiver Leave." We are now proposing modifications to clarify the definition of "next of kin." We are also adding language to address "exigency leave." This is a fifth qualifying reason for the 12-week leave entitlement under FMLA.

Staff proposed an effective date of June 16, 2009.

Item four: Item four is a proposal to amend WACs 357-46-070, 357-46-080, 357-01-135, 357-16-155, 257-16-157, 357-46-035, 357-46-135, 357-46-055, 357-46-095, 357-46-058, 357-58-305, 357-58-310, 357-46-110, 357-46-120, 357-31-355, 357-46-067,



357-19-160, 357-19-240 and 357-19-285. Staff is also proposing the adoption of a new section, 357-58-477.

The proposed modification and the new section address issues related to layoff. The following are issues we are clarifying:

- WMS employees who have held status in Washington general service have access to internal and statewide layoff lists and the general government transition pool (GGTP).
- To be placed on a layoff list, employees must have been laid off or notified in writing that they are scheduled for layoff.
- The term "occupation category/class series" has been changed to "class series" only.
- Under WAC 357-46-035(2) employers need to look for options which are comparable or less than comparable.
- For part-time employees, paid status does not include compensatory time off for the purpose of calculating seniority.
- If a Washington management service (WMS) employee is rehired following layoff, they will not have a break in service if rehired from a layoff list, GGTP, or hired as a promotional candidate.
- An employer may require a review period when an employee accepts a layoff option to another WMS position.
- If a review period is not required by rule and the employer does not require the employee to serve a review period, then the employee will gain permanent status upon appointment.
- A transition review period may be extended for leave without pay in accordance with WAC 357-46-355.
- An employee's probationary or trial service period shall not be extended for periods of time spent on temporary layoff.

Staff proposed an effective date of June 16, 2009.

Item five: Item five is a proposal to amend WACs 357-31-150, 357-31-345, 357-58-245, and 357-58-285. These proposed changes are all housekeeping in nature.

Staff proposed an effective date of June 16, 2009.

ACTION TAKEN

Rules items one through five were adopted as proposed with an effective date of June 16, 2009.